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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,532	04/14/2004	Douglas Ly	USP2278A-DL	6534
30265	7590	01/05/2006	EXAMINER	
RAYMOND Y. CHAN 108 N. YNEZ AVE., SUITE 128 MONTEREY PARK, CA 91754			PUROL, DAVID M	
			ART UNIT	PAPER NUMBER

3634

DATE MAILED: 01/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/824,532

Applicant(s)

LY, DOUGLAS

Examiner

David M. Purol

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 34-63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 34-63 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 34-37,40-43,45,49-52,55-58,60 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Drozt. Drozt discloses a flexible window screen 20,20' comprising a screen material 24,24' which responds to the claimed fabric shelter, a retention frame 22 which is adapted to be deformed for applying an urging force against the corners of a vehicle window frame.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 38,39,44,53,54,59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Drozt. As to the type of material from which the retention frame is constructed from, it is a well settled issue that the selection of a known material based upon its suitability for the intended use would have been obvious to one of ordinary skill in the art.

3. Claims 46-48,61-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Drozt in view of Mitchell et al. While Drozt does not disclose the fabric shelter as having a positioning split, Mitchell et al disclose a sunshade comprising a positioning

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split 135, wherein, to incorporate this teaching into the screen of Drozt for the purpose of accommodating window frames of various sizes and dimensions would have been obvious to one of ordinary skill in the art.

4. The applicant states that the Drozt patent and the instant invention are not the same invention according to the fact that the independent claim 1 of the Drozt patent does not read upon the instant invention and the independent claims 34 and 49 of the instant invention do not read upon the Drozt patent too. This is not convincing for the disclosure of the Drozt patent in its entirety discloses the claimed invention.

The applicant states that in claims 34,49 the sunshade is detachably mounting at a window frame of a vehicle by means of resilient force, wherein Drozt merely discloses, in column 3, lines 41-44 a window screen 20 is mounted within the guide channel located centrally within the window frame 14. This is incorrect inasmuch as Drozt clearly discusses in column 4, lines 25-50 that the frame is resilient.

The applicant argues that in claims 34 and 49 a fabric shelter is adapted to block heat radiation is made of material adapted to be seen through from one side of the fabric shelter to another side thereof is claimed to mount at the window frame wherein Drozt merely teaches a window screen 20 which permits the flow air into and out of the passenger compartment. Insofar as defined by the claims of the instant application the material as disclosed by Drozt is capable of performing the function of blocking heat and of being seen through from one side to another side.

As to the applicant's argument that Drozt does not mention any quadrilateral shaped retention frame having at least two resilient retention portions spacedly mounted along a peripheral edge of the fabric shelter and two resilient cornering holders in a

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diagonal manner as claimed in claims 34 and 49, the corner portions of the quadrilateral shaped frame of Drozt respond to the claimed corner holders and the linear portion of the quadrilateral shaped frame of Drozt respond to the retention portions. The corner holders of Drozt are disposed diagonally from each other.

Applicant's arguments have been fully considered but they are not persuasive.

5. Applicant's amendment presenting new claims 34-63 necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication should be directed to David M. Puroi at telephone number (571) 272-6833.

  
David M. Puroi  
Primary Examiner  
Art Unit 3634